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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,436	05/30/2001	Thaddeus John Gabara	80	4086

7590 09/30/2004

Rayan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560

EXAMINER

NGUYEN, HAI L

ART UNIT	PAPER NUMBER
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2816

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,436

Applicant(s)

GABARA, THADDEUS JOHN

Examiner

Hai L. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 8-35 and 38-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 36 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Appeal Brief

1. Applicant's appeal brief filed on 6/17/2004 has been received and entered in the case.

Applicant's arguments with respect to the prior art rejections mailed on 03/12/2004 that "the Zhang reference is not available as a prior art reference under § 102(b) against the present application" have been fully considered and found persuasive, as such; the prior art rejections have been withdrawn. However, a new action on the merits appears below.

Claim Objections

2. Claims 1 and 37 are objected to because of the following informalities: "non-complementary structures", lines 4-5, should be reworded in order to recite that structures more accurately, because the first and second input legs (in instant Fig. 14) appear to have substantially equal structures or symmetrical structures but rather than non-complementary structures. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-5, 36, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Pascucci (US 6,330,188).

With regard to claim 1, Pascucci discloses in Figs. 1&2 a circuit comprising an inherent evaluation element (not shown); and at least first and second input legs each coupled to a corresponding one of a first (D) and second (D') node of the evaluation element, the first and second input legs having non-complementary structures relative to one another and being adapted to receive respective first and second input signals, each of the non-complementary structures having associated therewith a variable parameter having a value (I_m , I_r) that is a function of a corresponding one of the input signals (the input signals connected to the gates of all transistors in 3, 4, 3', 4'), the evaluation element being adapted to perform a comparison of the first and second input signals (see column 1, lines 53-65).

With regard to claim 2, the first and second input signals (I_m , I_r) comprise non-complementary input signals.

With regard to claim 3, the variable parameter of the input legs comprises a variable resistance (the resistance of the input legs varies upon the input signals connected to the gates of all transistors in 3, 4, 3', 4').

With regard to claim 4, the variable parameter for a given one of the input legs comprises a variable current (I_m , I_r).

With regard to claim 5, the variable parameter for a given one of the input legs comprises a variable voltage (Voltages at nodes D & D').

Claim 36 is similarly rejected; note the above discussion with regard to claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pascucci in view of Jiang (US 5,856,949).

With regard to claims 6 and 7, the above-discussed circuit of Pascucci meets all of the claimed limitations except that Pascucci does not disclose the evaluation element comprises a memory cell/ a random access memory (RAM) cell as recited in claims 6 and 7. Jiang teaches in Fig. 3 an evaluation element having same function of the invention's element, wherein the evaluation element comprises a memory cell/ a random access memory (RAM) cell. Therefore, it would have been obvious to one of ordinary skill in the art to replace the evaluation element in the circuit of the prior art (Figs. 1-2 of Pascucci) with the evaluation element taught by Jiang in order to reduce read operation access time.

7. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pascucci.

The above-discussed circuit of Pascucci meets all of the claimed limitations except for the limitation that the circuit is fabricated in the integrated circuit. However, it would have been obvious to one of ordinary skill in the art to implement the circuit of Pascucci in a single Integrated Circuit for the advantage of being able to reduce the area of the circuit.


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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai L. Nguyen whose telephone number is 571-272-1747 and Right Fax number is 571-273-1747. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571-272-1740. The official fax phone number for the organization where this application or proceeding is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1562.

HLN 
September 25, 2004


TIMOTHY P. CALLAHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800